

TOWN OF BARRINGTON

PLANNING BOARD

Minutes of the June 5, 2012 Meeting

7:00 p.m., Town Council Chamber

Open Meeting

The meeting was called to order at 7:10 p.m.

Present: Michael McCormick – Chairman, Edgar Adams, Michael Carroll, Paul Dulchinos, Christine O’Grady (arrived at 7:30 p.m.), Seth Milman, Jean Robertson, Ann Strong and Lawrence Trim

Also Present: Solicitor Andrew Teitz, Town Planner Philip Hervey

Consent Agenda

Ms. Strong moved to approve the consent agenda, which included the following items:

 Approve Minutes: May 1, 2012, Regular Business Meeting, with the following revision: the meeting adjourned at 11 p.m.

Mr. Trim seconded the motion and it carried unanimously (8-0).

Public Hearings

Continuation of Public Informational Meeting: “The Residences at the Preserve” (George Street) Comprehensive Permit / Master Plan Application

Assessor’s Plat 37, Lot 3A

Upon a motion by Ms. Strong, with a second by Mr. Trim, the public

hearing was opened (8-0).

North End Holdings, the property owner, is proposing a multifamily complex of six buildings with a total of 16 two-bedroom units and 11 one-bedroom “flats”, making a total of 27 units. Seven of the 27 units are proposed as low-moderate income (LMI) units. The applicant is seeking relief from provisions of the Zoning Ordinance through the comprehensive permit process, which requires at least 25% of the units to qualify as deed-restricted low-moderate income housing. The applicant is seeking subsidies via the granting of the density bonus by the Town, and from HOME, federal funding administered by the State.

Access to the site would be provided via a driveway that would tie into George Street at a curve. Each unit would have a one-car garage, with the front door set back. An additional two spaces would be provided in the driveways leading to each garage, for a total of 81 off-street parking spaces.

No sidewalks are proposed within or on the perimeter of the development. All facilities would be privately maintained. Because there is no public water or sewer, the applicants are proposing an on-site wastewater treatment system to the rear of the buildings and individual wells for each building. Additionally, two fire hydrants, tied into “fire cisterns,” would be provided within the development.

The applicant is seeking the following relief by filing the Comprehensive Permit:

 Multifamily in a Residence 40 zone (use is not permitted in the R-40 zone)

 Dimensional Relief:

o Front-yard setbacks (minimum is 50 feet): the buildings closest to George Street have front yards of 40 feet, 49 feet, 25 feet and 28 feet.

o Side-yard setback (minimum is 92.7 feet based on 10% of the frontage): The entire building number 5 on the southwesterly portion of the parcel is within the minimum side-yard setback, with the closest encroachment (a deck) 22 feet from the side property line.

Additionally, a water quality basin is situated within the Town's 100-foot wetland edge setback – land disturbance that otherwise would require review by the Conservation Commission and a special use permit from the Zoning Board.

Bill Landry, attorney for North End Holdings, described the proposed development, which he said has several State approvals still pending, including wetland edge verification and approval of the on-site wastewater treatment system. He said the Town has not had a “significant number” of comprehensive permit applications. This project proposes units affordable to “moderate”-income households making about \$60,000 per year.

Mr. Landry submitted a “Statement of Qualifications,” marked as “Exhibit 1,” from project engineer Scott Moorehead of SFM Engineering Associates, located in Coventry. Mr. Moorehead described the development of the engineering plans, including test pits to determine the depth of the water table and soil types. He reviewed plans to install wells, septic systems, and cisterns providing water supply for fire hydrants at the site, which lacks public water or sewer service. The fire hydrant plan has not yet received approval from the Fire Department, he said, but added it is his opinion the plans meet NFPA requirements for fire protection. In response to a question from Mr. Landry, he said the project would not create any adverse environmental impacts within or outside the development.

Mr. Landry submitted as “Exhibit 2” a resume from Hali Beckman, of Hali Beckman, Ltd., a landscape architecture firm in Wickford, RI. Ms. Beckman described the types and locations of plants proposed on the landscape plan.

In response to questions from Mr. Landry, planning consultant Joseph Lombardi (resume submitted as “Exhibit 3”) said the Town of Barrington has 125 Low-Moderate Income units, or roughly 2 percent of the total housing stock. A problem the Town will have meeting the State’s 10% LMI housing goal is a lack of land available for development, he said.

Mr. Landry said the provisions of the 2009 Comprehensive Community Plan that received State approval are applicable to this development, not the amendments adopted by the Town in 2011 that revised Housing & Neighborhoods Strategy 5-8 – Aggressively negotiate comprehensive permits.

Mr. Teitz said the Town has approximately 160 LMI units at this time. He said the Town's position is the 2011 amendments are applicable, such that comprehensive permits must contain at least 50% LMI housing units in order to be considered for density increases higher than what is available under inclusionary zoning.

Mr. Landry said development costs are too high for this development to exceed more than seven LMI units, that limiting for-profit developers "can't make it work" if they are limited to a 20% density bonus.

Mr. Milman asked Mr. Landry how much density bonus is being requested. He said that under the R40 base zoning, approximately six units could be built, seven with the inclusionary zoning density bonus.

Mr. Landry said it is "unfair" to compare the compatibility of the project to the vacant land in the area.

Michael Desmond, PE, of Bryant Associates, presented the results of

the traffic study he completed. (Mr. Desmond's "Professional Profile" was submitted as "Exhibit 4".)

Mr. Desmond said George Street varies in width from 17 to 19 feet, and is 18 feet at the site. The speed limit is 25 mph. Responding to a question from the Planning Board, he said he did not know the width of the bridge/culvert on George Street to the east of the site.

He described the report's findings in terms of accident history of the area, impacts on level of service, and compliance with the Town's off-street parking requirements. He said traffic patterns would be "virtually unchanged" with the new development. He recommended tree trimming to improve sight distances in certain areas, and the addition of stop signs at the ends of George Street (though both of those locations are in Massachusetts).

Mr. Moorehead described a revised site plan for the development, submitted as "Exhibit 5." Mr. Landry said they are not amending the application; the intent is to be "constructive." The revised site plan shows 24 dwelling units, with an open area on George Street, Mr. Moorehead said. Ms. Beckman described the planting plan for the revised plan.

Several people spoke against the plan.

Peter McCalmont of the Barrington Land Conservation Trust, who

acts as steward of the Douglas Rayner Wildlife Refuge next door to the site, submitted and read from written comments. He said the proposal runs contrary to the Town's efforts over the years to protect open space in the George Street area, promote farming activities through land leases with Four-Town Farm, and protect wildlife with the recording of a conservation easement over 82 acres encompassing the Rayner Refuge and adjoining Town-owned land. Mr. McCalmont said the proposal is inconsistent with the 2009 Comprehensive Plan, citing several sections including goals to protect natural areas in the Hundred Acre Cove area, promote farming and protect farmland, and adopt "Conservation Development" zoning in the George Street area.

Charlotte Sornborger, of the Land Trust, submitted a statement describing inconsistencies between the proposed development and sections of the Comprehensive Plan. She said the development would "erase the rural character" of an area that is one of the few remaining rural areas of Town. Ms. Sornborger referenced the habitat within the Rayner Refuge of the Diamondback terrapin, which she said is an endangered species. The proposed development, she said, is in conflict with the Comprehensive Plan's goals to promote agriculture in the George Street area, avoid impacts on the refuge, preserve the character of the area with the "Rural Residential" Future Land Use Map designate, and limit light pollution impacts.

Chris Clegg, of 4-Town Farm, asked whether the traffic study takes

into account tractor traffic. He said the developer approached him about purchasing some abutting property owned by 4-Town Farm for house lots.

Carrie Longo said she sold the property to North End Holdings with the understanding it would be developed into a “few beautiful homes,” not a 27-unit townhouse development.

Steve Clegg, of 4-Town Farm, said he is concerned that the septic systems could fail given a layer of clay he said is approximately 15 feet below the surface in that area. He said the development could create drainage problems and potentially raise the water table on abutting land.

Gene Martin, 10 George Street, Swansea, said it is his understanding the portion of George Street in Swansea is actually a paper road.

The Planning Board decided not to waive the project review fee. Mr. Landry said he doesn't think a review of the master plan would be that informative, but suggested that it include both the 27-unit plan and the 24-unit alternate plan.

Barbara Donovan, 12 Manning Drive, cited a need for senior housing, though she is not in favor of the George Street site.

Ms. Sornborger questioned the analysis by the applicant's planner

consultant that the development would add very few children to the school system, adding that the 15-foot-wide bridge could be a problem for school buses. Mr. Moorehead said the bridge is actually an 18-inch culvert.

Mr. Moorehead said the wells would be 300 to 400 feet in depth, and the cisterns would be underground in concrete or reinforced fiberglass.

Mr. McCormick said he is concerned about the proximity to the refuge of the proposed buildings on the westerly side of the site, which require a dimensional variance to be that close to the lot line. Mr. Moorehead said the setback from the wetland is more important than the setback from the refuge property. He said the conservation development model, promoted in the Comprehensive Plan, does not anticipate an increase in overall density, but added the alternate 24-unit plan is in the “same spirit.”

Mr. Adams said the “strongly negotiate” comprehensive permits strategy doesn’t mean a developer’s pro-forma “overrules the long-term plan of the Town.”

The Planning Board asked that the peer review include an evaluation of:

- The effect of the layer of clay on drainage and septic systems**
- Potential effects on wells located on neighboring properties**

- The issue of the legal status of the portion of the road in Swansea, and road maintenance issues
- A Yield Plan, which would be provided by the applicant
- Liability issues if the proposed septic system fails
- How the proposed condominium association would maintain drainage, septic, wells, and the roadway within the development

Mr. McCormick also asked for legal briefs from Mr. Landry and Mr. Teitz on the question of the applicability of the Comprehensive Plan, as amended.

On a motion by Mr. Milman, seconded by Mr. Trim, the Board voted 8-0 to schedule the July meeting for July 10, 2012. On a motion by Ms. Strong seconded by Ms. Robertson, the Board voted 8-0 to continue the hearing on the application to the July meeting.

Continuation of Preliminary Subdivision - Lavin's Marina Assessor's Plat 1, Lot 225

It was noted that this is a continuation of the public hearing that was opened at the May meeting. The applicant proposes to subdivide the Residence 10-zoned portion of Lot 225 on Assessor's Plat 1 into ten house lots, with frontage on Woodbine and Narragansett Avenues, and one lot for the existing marina, within the Waterfront Business zone.

Paul Carlson, engineer, InSite Engineering, described the revised

landscape plan, which includes replacement of the proposed arborvitae buffer along the rear house lot lines with a variety of evergreens and deciduous trees. Mr. McCormick said the plan should save the 16" tree on Lot 6 as well. An addition of a landscaping along the southerly property line of Lot 1 was also requested to provide a buffer along a tall chain link fence Mr. Carlson said is on the abutting property.

The Board also decided to require a sidewalk along Narragansett Avenue.

Mr. Carroll made the following motion:

"The Barrington Planning Board hereby grants Preliminary Plan approval for a 10-lot subdivision depicted on plans titled 'Preliminary Subdivision Plan of Lavin's Marina' for property located at 110 Shore Drive in the Town of Barrington, Rhode Island, Assessor's Plat 1, Lot 225. The portion of the 5.11-acre lot that is subject to the subdivision is located in a Residence 10 Zoning District, and fronts on Narragansett Avenue and Woodbine Avenue. Plans by: InSite Engineering, LLC, 1539 Fall River Ave., Seekonk, MA, 02771, dated March 8, 2012; Landscape Plan revised 4/18/12. Approval is based upon the following findings of fact and conditions of approval:

Findings of Fact:

1. The proposed subdivision is consistent with the Comprehensive

Community Plan in that the site is zoned for residential development. The subdivision is subject to the Town's Mandatory Inclusionary Zoning requirements, which provides for a 20 percent density bonus allowing the minimum lot sizes to be reduced to 8,000 square feet.

2. The proposed development is in compliance with the standards and provisions of the Barrington Zoning Ordinance, with the Town Council's approval on September 6, 2011 of Zoning Map amendments placing the residential lots within the Residence 10 zone, and the marina within the Waterfront Business zone.

3. There will be no significant negative environmental impacts from the proposed development as shown on the Plans, with all required conditions for approval, as the proposal includes measures to capture storm-water on-site through rain gardens.

4. All proposed lots would have adequate and permanent physical access to Woodbine Avenue and Narragansett Avenue.

5. The inclusionary dwelling units are similar in exterior design and materials and otherwise consistent with the market-rate units in the overall project.

Conditions of Approval:

1. The developer shall construct the proposed low-moderate income housing units in the manner depicted in the building elevation sketches, floor plans and building envelopes, as depicted in the plans labeled 'Plan W2157DR' and 'Plan W90132PD,' by Architectural Designs, 57 Danbury Road, Wilton, CT 06897.

2. Revisions to the plans for the proposed exterior building façades of

the low-moderate income units, including building materials, shall require approval by the Technical Review Committee.

3. The low-moderate income houses shall be built concurrently with the market-rate units; certificates of occupancy for no more than five of the eight market-rate houses shall be issued prior to certificates of occupancy for both low-moderate income housing units.

4. Deed restrictions for the affordable units shall be recorded, subject to review by Town counsel.

5. The monitoring agreement shall be executed with East Bay CDC or another approved monitoring agency.

6. Deed restrictions for the maintenance of the rain gardens by owners of the lots shall be recorded, subject to review by Town counsel.

7. The plans shall be revised, as needed, to include the following:

- a. Identify tree protection measures for trees identified in the Landscape Plan to remain;**
- b. Add a sidewalk and curbing along Narragansett Avenue.**
- c. Add a landscape buffer on the south side of Lot 1**
- d. Protect the 16" tree on Lot 6."**

Ms. Strong seconded the motion and a vote was held:

Michael McCormick – Yea

Edgar Adams – Yea

Michael Carroll – Yea

Paul Dulchinos – Yea

Christine O’Grady – Yea

Seth Milman – Yea

Jean Robertson – Yea

Ann Strong – Yea

Lawrence Trim – Yea

The motion carried 9-0.

The Board stated the Final Plan would require Planning Board approval.

**Preliminary Plan/Development Plan Review – Mixed-use development
Anoka Avenue/Wood Avenue**

Assessor’s Plat 23, Lots 180 and 181

It was noted that the Board was in receipt of a letter from Paul Carlson dated May 30, 2012 requesting continuance to the July meeting with a 30-day extension of the approval period. Upon a motion by Mr. Milman, with a second by Mr. Trim, this matter was unanimously (9-0) continued to the July 10, 2012 meeting.

Old Business

None

New Business

Discussion: Sign Ordinance Revisions

This item was tabled.

Reports & Special Items

None

Reports from Planning Board Members

None

Comments - Board Members, Council Liaison & Town Planner

Mr. Hervey said the Town Council is requesting a workshop with the Planning Board to review the proposed Zoning Map amendments. The Board agreed to hold the workshop on Monday, July 9, at 7 p.m.

Adjournment

Upon a motion by Ms. Strong, with a second by Mr. Milman, the Board unanimously (9-0) voted to adjourn the meeting at 10:45 p.m.